

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#15

Applicants: Shuang Ji et al.
Assignee: Trend Micro, Incorporated
Title: VIRUS DETECTION AND REMOVAL APPARATUS FOR
COMPUTER NETWORKS
Serial No.: 08/533,706 Filed: September 26, 1995
Patent No.: 5,623,600 Issue Date: April 22, 1997
Docket No.: M-5179 US

San Jose, California
February 20, 1998

BOX M FEE
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

**LETTER UNDER RULE 28 AND CONDITIONAL PETITION
UNDER RULE 137 FOR DELAYED PAYMENT
OF BALANCE OF ISSUE FEE UNDER RULE 317**

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Sir:

When the issue fee was paid in this patent, it was paid as a small entity

It has since come to the attention of the patent owner that small entity status may not
have been appropriate.

Under Rule 28(c), the patent owner hereby authorizes payment of the deficiency
between the amount paid (\$645.00) and the amount due at the time the deficiency is paid in
full (\$1,320.00), the deficiency being therefore \$675.00.

Further, the patent owner hereby conditionally petitions under Rule 137(b)(1), for
acceptance of this payment and authorizes under Rule 137(b) payment of the petition fee as
set forth in Rule 1.17(m) of \$1,290.00. The entire delay in paying the outstanding balance of
the issue fee from the due date of same, which was January 22, 1997, until the filing of this

conditional Petition was unintentional. No Terminal Disclaimer appears to be necessary under Rule 137 for this conditional Petition.

It is noted that Rule 317 provides that, "If the issue fee paid is the amount specified in the notice of allowance but a higher amount is required at the time the issue fee is paid, any remaining balance of the issue fee is to be paid within three months from the date of notice thereof"

The Patent Office provided no notice of any outstanding balance and this deficiency (if any) was discovered by the owner of the patent. Therefore, filing of this paper is not an admission that the patent has lapsed or that the three month period under Rule 317 is applicable, and the Petition here under Rule 137 is conditional on the mere payment under Rule 28(c) of the deficiency as not being adequate.

The enclosed transmittal letter sets forth the amounts to be charged.

In addition to the fees charged herein, permission is given to charge any additional fees required and credit any overpayment to the undersigned's Deposit Account No. 19-2386.

If there any questions regarding this paper, please contact the undersigned at (408) 453-9200.

Respectfully submitted,

EXPRESS MAIL LABEL NO:
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